

Serial No.: 10/055,094
Group Art Unit: 2823

REMARKS

Claim Rejections - 35 USC §102

Claims 1 and 2 are rejected under 35 USC §102(e) as being anticipated by Tosaya et al. (USPN 6,538,320, hereinafter "Tosaya").

Pertaining to claim 1, claim 1 has been amended to include allowable subject matter from claim 4.

Pertaining to claim 2, this dependent claim depends from independent claim 1 and is believed to be allowable since it contains all the limitations set forth in the independent claim from which it depends and claims unobvious combinations thereof.

It is respectfully submitted that the now amended independent claim 1, and claim 2 depending therefrom, are no longer anticipated by Tosaya singularly under 35 USC §102(e) and no longer obvious in combination under 35 USC §103 with the other cited references.

Claim Rejections - 35 USC §103

Claims 3 and 6-8 are rejected under 35 USC §103(a) as being unpatentable over Tosaya et al. (USPN 6,538,320, hereinafter "Tosaya") as applied to claims 1 and 2 above, and further in view of Panchou et al. (USPN 6,218,214, hereinafter "Panchou").

Pertaining to claims 3 and 6-8, these dependent claims depend directly or indirectly from now allowable independent claim 1 and are believed to be allowable since they contain all the limitations set forth in the independent claim from which they depend and claim additional unobvious combinations thereof.

Based on the above, it is respectfully submitted that claims 3 and 6-8 are allowable under 35 USC §103(a) as being unobvious over Tosaya further in view of Panchou

The other references cited by the Examiner showing the prior art have been considered and are not believed to disclose, teach, or suggest, either singularly or in combination, Applicants' invention as claimed.

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Claim Objections

Claims 4, 5, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to include the allowable subject matter from claim 4 and claim 4 has been cancelled.

Claim 5, previously depending from claim 4, has been amended to depend from claim 1.

New claim 34 includes the allowable subject matter from claim 9.

New claims 35-42 depend directly or indirectly from allowable independent claim 34 and are believed to be allowable since they contain all the limitations set forth in the independent claim from which they depend and claim additional unobvious combinations thereof.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance and reconsideration of the rejections is respectfully requested. Allowance of claims 1-3, 5-10, and 34-42 at an early date is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including any extension of time fees, to Deposit Account No. 50-0374 and please credit any excess fees to such deposit account.

Respectfully submitted,



Mikio Ishimaru
Registration No. 27,449

The Law Offices of Mikio Ishimaru
1110 Sunnyvale-Saratoga Rd., Ste. A1
Sunnyvale, CA 94087
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